

Remarks

Claims 1, 2, 5-9, 12-17 and 19-27 are now pending in this application. Claims 1, 2, 5-9, 12-17 and 19-27 are rejected. Claims 3, 4, 10, 11 and 18 have been canceled without prejudice, waiver, or disclaimer. Claims 17, 19, 20, 21, and 27 have been amended. No new matter has been added.

The rejection of Claims 1, 2, 5-9, 12-17 and 19-27 under 35 U.S.C. § 112, first paragraph, is respectfully traversed.

Applicant respectfully submits that the specification meets the requirements of Section 112, first paragraph. Specifically, Applicants respectfully submit that the specification, including the figures, would enable one skilled in the art to make and/or use the invention as described in the present patent application. Accordingly, Applicants respectfully request that the rejection of Claims 1, 2, 5-9, 12-17 and 19-27 under Section 112, first paragraph, be withdrawn.

The Office Action asserts at page 2 that “Neither the claims nor the specification clearly describe what the initial regression equations are or how the server actually combines them...what the equations are or how they are combined is not included in the claim(s) and is not enabled by the disclosure.” Applicant respectfully traverses this assertion.

Applicants submit that the specification, including the figures, describes developing an initial regression equation and combining the initial regression equations. For example, the specification in paragraph 22 provides in relevant part as follows:

...developing 64 a regression equation or mathematical model for each supplier based on received product list information and pricing data, e.g., prices on product options...In an alternative embodiment, the method includes...using known electrical, physical, and manufacturing parameters to formulate an equation and then combining market-level pricing knowledge to form a mathematical model.

The specification also provides in relevant part in paragraph 23 as follows:

Figure 4 illustrates one embodiment of a desired product list 70, accessible by a group of potential suppliers.

The Figure 4 shows that product list 70 includes HV and LV.

The specification also provides in relevant part in paragraph 25 as follows:

Once the initial regression equations have been generated for each of the multiple potential suppliers, server 12 is further configured to combine the initial regression equations into a final regression equation...one exemplary final regression equation for bidding on transformers is

$$\begin{aligned} COST = & 847 + 26.7(HVBIL) - 262(LVBIL) + 16.3(kVA) + 9.02(LVBIL) \times (HVBIL) \\ & - 0.0635(LVBIL) \times (HVBIL)^2 + 0.143(TEMP^2 \times kVA^2) / 1,000,000 \\ & - 0.0481(TEMP \times kVA) - 0.000025(TEMP \times kVA^2) \end{aligned}$$

where HV is high voltage, LV is low voltage, BIL is basic impulse level, kVA is kilovolt-Amperes, and TEMP is temperature rise.

The specification also provides in relevant part in paragraph 28 as follows:

...bid sheet 90 has been generated utilizing six transformer products 92 including rating and specifications 94 for parameters 96.

Figure 6 shows examples of parameters 96. The examples of parameters 96, as shown in Figure 6, include conductor, kVA, Temp rise, LV BIL, LV, HV BIL, and HV. Figure 6 also shows an example of a final regression equation, "Price = Const + A(kVA) + B(Temp Rise) + C(HV BIL) + D(LV BIL)".

In other words, the specification, along with the figures, describes developing an initial regression equation. Specifically, the specification describes developing a regression equation or mathematical model for each supplier based on received product list information and pricing data, e.g., prices on product options. The specification further describes that examples of the product list information include HV and LV, which are parameters 96 that are used in an exemplary final regression equation represented as price = Const + A(kVA) + B(Temp Rise) + C(HV BIL) + D(LV BIL). The specification describes how to develop an initial regression equation by providing an exemplary final regression equation and by describing that the initial regression equation is developed from the pricing data provided by a supplier and from parameters 96, which are used in the exemplary final regression equation. Accordingly, Applicant respectfully submits that one skilled in the relevant art would understand how to develop an initial regression equation from the pricing data and

product list information so that a combination of the initial regression equation with other initial regression equations generates the exemplary final regression equation.

The specification, along with the figures, also describes combining the initial regression equations. Specifically, the specification describes developing a regression equation or mathematical model for each supplier based on received product list information and pricing data, e.g., prices on product options. The specification further describes that examples of the product list information include HV and LV, which are parameters 96 that are used in an exemplary final regression equation represented as $\text{price} = \text{Const} + A(kVA) + B(\text{Temp Rise}) + C(HV \text{ BIL}) + D(LV \text{ BIL})$ and in another exemplary final regression equation

$$\begin{aligned} COST = & 847 + 26.7HVBIL - 262LVBIL + 16.3kVA + 9.02(LVBIL) \times (HVBIL) \\ & - 0.0635(LVBIL) \times (HVBIL)^2 + 0.143(TEMP^2 \times kVA^2) / 1,000,000 \\ & - 0.0481(TEMP \times kVA) - 0.000025(TEMP \times kVA^2) \end{aligned}$$

The specification describes how to combine the initial regression equations by providing exemplary final regression equations and by describing that each initial regression equation is developed from the pricing data provided by a supplier and from parameters 96, which are used in the exemplary final regression equations. Accordingly, Applicant respectfully submits that one skilled in the relevant art would understand how to combine the initial regression equations, generated by using the pricing data and the product list information, so that the combination generates any one of the exemplary final regression equations that are described.

Applicant respectfully submits that the specification, including the figures, would enable one skilled in the art to make and/or use the invention as described in the present patent application. Accordingly, Applicant respectfully requests that the rejection of Claims 1, 2, 5-9, 12-17 and 19-27 under Section 112, first paragraph, be withdrawn.

For at least the reasons set forth above, Applicant respectfully requests that the rejection of Claims 1, 2, 5-9, 12-17 and 19-27 under Section 112, first paragraph, be withdrawn.

The rejection of Claims 17-21 under 35 U.S.C §101 as being directed to non-statutory subject matter is respectfully traversed.

The Office Action asserts at page 3 that Claims 17-21 are directed to non-statutory subject matter because the preamble of each of Claims 17-21 states that Claims 17-21 are directed to a computer and the computer is claimed in terms of merely functional language. Claim 17 has been amended to recite "A system for auctioning a product, the system comprising: a server programmed to..." Applicant respectfully submits that the system is claimed in terms of a server that is programmed. Claim 18 has been canceled. Claims 19-21 depend, directly or indirectly, from independent Claim 17. Accordingly, Applicant submits that Claims 17-21 are directed to statutory subject matter.

For at least the reasons set forth above, Applicant respectfully requests that the Section 101 rejection of Claims 17-21 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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